



Attorney Docket No. PNL21365

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

John W. Clapper : Examiner Alicia M. Ttorres

Serial No. 10/786,295 : Art Unit 3671

Filed February 26, 2004 : Confirmation No. 3436

For **GRAPPLING ARM ASSEMBLY WITH
LATCHING MEANS** :

COMMUNICATION

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Patent Office communication of January 23, 2006, Applicant respectfully requests reconsideration of the rejection of claims 1-16 of the subject application as unpatentable under 35 U.S.C. 103(a) over U.S. Patent No. 5,111,602 to Risch in view of U.S. Patent No. 3,325,926 to Wilson.

In the current Patent Office communication, it essentially is asserted that Risch discloses the basic claimed invention with the exception of the specific latching means, and that Wilson teaches a modification of the Risch basic structure in terms of the latching means to arrive at the claimed invention. In response to such assertion, Applicant submits that Risch fails to disclose the basic combination recited in Applicant's claims as fully set forth in Applicant's previous response, and that Wilson does not disclose or teach the latching mechanism as recited in Applicant's claims.

Each of Applicant's claims provide for means operatively interconnecting the dipper stick and the arm member for pivoting the arm member between operative and inoperative positions. As previously indicated, Risch fails to disclose any such member operatively interconnecting the dipper stick 30 and arm member 50. As previously indicated, although arm member 50 in the Risch arrangement is pivotally connected to the end of the dipper stick, it is

pivoted by the pivotal movement of support links 54a and 54b through a pair of links 16a and 16b which are connected to the arm member through a connecting pin 57. To pivot arm members 50a and 50b to the inoperative position along the underside of dipper stick 30 as shown in Figure 3C of Risch, connecting pin 57 must be removed to free arm members 50a and 50b from support links 54a and 54b, and the bucket must be curled to align pin receiving openings 66a and 66b of arm members 50a and 50b with the opening of bracket 59 on the underside of the dipper stick, for receiving connecting pin 57. Clearly, no means operatively interconnecting the dipper stick and the arm member is provided for pivoting the arm member between operative and inoperative positions as recited in Applicant's claims. Accordingly, Risch fails to disclose the basic arrangement recited in Applicant's claims.

Each of Applicant's claims further recites means for detachably latching the arm member in the inoperative position, including one of the dipper stick and the arm member having at least one transversely disposed recess and the other of the dipper stick and arm member having a yieldingly biased transversely displaceable protuberance retractable upon engagement by one of the dipper stick and arm member and receivable in the recess when the arm member is in the inoperative position. In this regard, it is submitted that Wilson neither discloses nor teaches such a displaceable protuberance retractable upon engagement by one of the dipper stick or the arm member.

Wilson essentially discloses and teaches a means for mounting and retaining a tooth onto a shank portion of an excavating bucket. The retaining means essentially consists of a pair of detents 54 and an intermediate spring 50 disposed in a transverse opening of a tooth, in which the detents may be retracted inwardly within the confines of the tooth against the biasing action of the spring, to permit the tooth to be inserted into an opening in the shank to register the detents with openings in the shank, permitting the detents under the action of the spring to extend into the shank openings, and thus retain the tooth on the shank portion of the bucket. In such arrangement, it is to be noted that there is no disclosure or teaching of such detents being retractable upon engagement with any component, comparable to the displaceable protuberances recited in Applicant's claims which are retractable upon engagement by another component of the combination. Accordingly, it is submitted that Wilson fails to teach any modification of the Risch arrangement to arrive at the structure recited in Applicant's claims, assuming that Risch discloses Applicant's basic combination which it fails to do as previously indicated.

In view of the foregoing, it respectfully is requested that the rejection of claims 1-16 be withdrawn, such claims be allowed and further that the application be passed to issued.

Respectfully submitted,



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